

Bill Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bill:

C.S.S.B. No. 19, A bill to be entitled "An Act appropriating Three Million Dollars (\$3,000,000.00) as a supplemental appropriation to the funds appropriated for salary aid in House Bill No. 295 of the Acts of the Regular Session of the Fiftieth Legislature; providing that the funds herein appropriated are to be used to supplement payments for salary aid for the first year of the current biennium 1947-1948 and for no other purpose; etc., and declaring an emergency."

Adjournment

On motion of Senator Harris, the Senate at 12:00 o'clock adjourned until 10:30 o'clock a.m., Monday, April 18, 1949.

Record of Vote

Senator Phillips asked to be recorded as voting "nay" on the motion to adjourn.

FORTY-SIXTH DAY

(Monday, April 18, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Lane	

Absent

Hazlewood

Absent—Excused

Kelly of Tarrant

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 14, 1949, was dispensed with and the Journal approved.

Senator Kelly of Tarrant was granted leave of absence for today on account of illness on motion of Senator Martin.

Senate Resolution 120

Senator Strauss offered the following resolution:

Whereas, The Tomato Tom-Tom celebration held at Yoakum, Texas, each year is one of the most unique and outstanding events held anywhere in the United States, and

Whereas, The Tom-Tom will be staged on June 9-10-11, 1949, and

Whereas, A group of Yoakum citizens are present in the Capitol Building for the purpose of advertising the Tom-Tom, and

Whereas, This delegation is accompanied by Her Majesty, Miss Janice Turbeville, Queen of the 1949 Tom-Tom, and

Whereas, Her Majesty desires to include the members of the Senate of Texas as her subjects in the realm of her Court and desires to present a gift to each Senator, now, therefore, be it

Resolved by the Senate of Texas that we extend an invitation to this delegation from Yoakum, Texas, to appear before the Senate; that they be granted the privileges of the floor for the day; and that Queen Janice be permitted to address the Senate.

The resolution was read and was adopted.

Accordingly, the President pro tempore appointed Senators Strauss, Bell and Harris as a committee to escort Miss Janice Turbeville and her party to the President's stand.

The President pro tempore then presented Senator Strauss, who presented Miss Turbeville and the members of her party to the Senate.

Reports of Standing Committees

Senator Jones submitted the following reports:

Austin, Texas,
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 812, have had same under consideration and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 55, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 429, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 792, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,
April 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 433, have had same under consideration, and I am

instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Senator Taylor submitted the following report:

Austin, Texas,
April 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 164, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

TAYLOR, Chairman.

Senate Bill 176 Set as Special Order

Senator Kelley of Hidalgo moved that Senate Bill No. 176 be set as a special order for Tuesday, April 19, 1949, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kelley of Hidalgo
Ashley	Lane
Bell	Martin
Bracewell	McDonald
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Tynan
Hudson	Vick
Jones	Weinert

Absent

Hazlewood	Moffett
Lock	Taylor

Absent—Excused

Kelly of Tarrant

Senate Bill 244 Set as Special Order

Senator Proffer moved that Senate Bill No. 244 be set as a special order for Tuesday, April 19, 1949, immediately following all other special orders previously set for that day.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Lane	Weinert

Absent

Cousins	Hazlewood
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Absent—Excused

Kelly of Tarrant

Senate Bill 95 Set as Special Order

Senator Hudson moved that Senate Bill No. 95 be set as a special order for Tuesday, April 19, 1949, immediately following all other special orders set for that day.

Yeas—28

Aikin	Lane
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent

Hazlewood	Lock
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Absent—Excused

Kelly of Tarrant

Senate Bill 233 Set as Special Order

Senator Morris moved that Senate Bill No. 233 be set as a special order for Tuesday, April 19, 1949, immediately following the disposition of all other special orders previously set that day.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kelley of Hidalgo
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Strauss
Hudson	Tynan
Jones	Vick

Nays—3

Shofner	Weinert
Taylor	

Absent

Hazlewood

Absent—Excused

Kelly of Tarrant

Senate Bill 89 Set as Special Order

Senator Bell moved that Senate Bill No. 89 be set as a special order for Tuesday, April 19, 1949, immediately following the disposition of all other special orders previously set for that day.

The motion prevailed by the following vote:

Yeas—23

Aikin	Lane
Ashley	Lock
Bell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Phillips
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelley of Hidalgo	

Nays—1

Morris

Absent

Bracewell	Moore
Bullock	Proffer
Cousins	Shofner

Absent—Excused

Kelly of Tarrant

Motion to Set Senate Bill 327 as Special Order

Senator Phillips moved that Senate Bill No. 327 be set as a special order for Tuesday, April 19, 1949, immediately following the disposition of all other special orders set for that day.

The motion was lost by the following vote (not receiving an affirmative vote of two-thirds of the members present):

Yeas—17

Aikin	Lock
Ashley	Moffett
Bell	Moore
Bracewell	Phillips
Bullock	Taylor
Colson	Tynan
Cousins	Vick
Hudson	Weinert
Kelley of Hidalgo	

Nays—10

Carney	Lane
Corbin	Martin
Hardeman	McDonald
Harris	Proffer
Jones	Strauss

Absent

Hazlewood	Shofner
Morris	

Absent—Excused

Kelly of Tarrant

Senate Bill 359 Set as Special Order

Senator Kelley of Hidalgo moved that Senate Bill No. 359 be set as a special order for Tuesday, April 19, 1949, immediately following the disposition of all other special orders previously set for that day.

The motion prevailed by the following vote:

Yeas—23

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Hardeman	Phillips
Harris	Strauss
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Lane	

Absent

Bracewell	Proffer
Carney	Shofner
Cousins	Taylor
Hazlewood	

Absent—Excused

Kelly of Tarrant

Committee Substitute Senate Joint Resolution 4 on Passage to Engrossment

The President pro tempore laid before the Senate, as the unfinished special order for this hour, on its passage to engrossment:

C. S. S. J. R. No. 4, Proposing an amendment to the Constitution of the State of Texas, by amending Section 19 of Article 16, so as to provide that the qualification of no person to serve as a juror on grand juries and on petit juries in civil cases, shall be denied or abridged on account of sex, and providing that the Legislature may prescribe that only males are eligible on petit juries in criminal cases; providing that existing provisions of the Constitution shall be construed in conformity herewith; providing for the submission of this amendment to a vote of the people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose.

The resolution having been read second time on Monday, April 4, 1949, with the following amendment by Senator Ashley pending:

Amend S. J. R. No. 4 by striking out Section 1 of said Bill and substituting therefor the following:

"Section 1. That Section 19 of Article 16 of the Constitution of Texas be amended so as to hereafter read as follows:

"Section 19: The Legislature shall prescribe by law the qualification of grand and petit jurors, provided that the qualification of no person for service on grand juries or on petit juries shall be denied or abridged on account of sex, and no person shall be exempt from service on grand juries or petit juries on account of sex."

Question recurring on the amendment, it was adopted.

On motion of Senator Harris and by unanimous consent, the caption

was amended to conform with the body of the resolution as amended.

C. S. S. J. R. No. 4 was passed to engrossment.

Committee Substitute Senate Joint Resolution 4 on Third Reading

Senator Harris moved that the Senate Rule requiring Joint Resolutions to be read on three several days be suspended and that C. S. S. J. R. No. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Kelley of Hidalgo
Ashley	Lock
Bell	Martin
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Tynan
Jones	Vick

Nays—6

Bracewell	McDonald
Carney	Taylor
Lane	Weinert

Absent—Excused

Kelly of Tarrant

The President pro tempore then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—23

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	

Nays—7

Bracewell	Jones
Carney	Lane

Morris
Taylor

Weinert

Absent—Excused

Kelly of Tarrant

Senate Joint Resolution 1 on Second Reading

The President pro tempore laid before the Senate as an unfinished special order on its passage to engrossment:

S. J. R. No. 1, Proposing an amendment to Section 2 or Article VI of the Constitution, repealing the provision making the payment of a Poll Tax a qualification of an elector; requiring the Legislature to pass a general registration law for voters; providing for the necessary election, proclamation and publication by the Governor, and making an appropriation.

The resolution having been read second time on Monday, March 14, 1949, with an amendment by Senator Hardeman pending.

Question—Shall the amendment be adopted?

Senator Hardeman then withdrew the amendment.

Senator Hardeman offered the following amendment to the resolution:

Amend S. J. R. No. 1 by striking out all of Section I and inserting in lieu thereof the following:

"Section I.

Section 2, Article VI of the Constitution of the State of Texas be and the same is amended hereby so as to read hereafter as follows:

'Section 2. Every person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years and who shall be a citizen of the United States and who shall have resided in this State one year next preceding an election and the last six months within the district or county in which such person offers to vote, shall be deemed a qualified elector. The husband may pay the poll tax of his wife and receive the receipt therefor. In like manner the wife may pay the poll tax of her husband and receive the receipt therefor; and provided further, that before offering to vote at any election in this State, a voter shall have registered as an elector before the first

day of February next preceding such election. The husband may register for his wife and receive the receipt therefor; in like manner the wife may register for her husband and receive the receipt therefor. The Legislature shall pass general registration laws not inconsistent herewith. The Legislature may authorize absentee voting."

The amendment was adopted.

Question—Shall the resolution be passed to engrossment?

Recess

On motion of Senator Morris, the Senate at 11:55 o'clock a.m. took recess to 2:30 o'clock p.m. today.

Afternoon Session

The Senate met at 2:30 o'clock p.m. and was called to order by the President pro tempore.

House Bills on First Reading

The following bills, received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 574, to Committee on Agriculture.

H. B. No. 614, to Committee on Finance.

H. B. No. 619, to Committee on Education.

H. B. No. 654, to Committee on Highways and Motor Traffic.

H. B. No. 665, to Committee on Oil, Gas and Conservation.

H. B. No. 713, to Committee on State Affairs.

H. B. No. 570, to Committee on State Affairs.

H. B. No. 562, to Committee on State Affairs.

H. B. No. 508, to Committee on Criminal Jurisprudence.

H. B. No. 501, to Committee on Counties and County Boundaries.

H. B. No. 675, to Committee on Education.

H. B. No. 679, to Committee on Counties and County Boundaries.

H. B. No. 680, to Committee on Judicial Districts.

H. B. No. 298, to Committee on State Affairs.

H. B. No. 412, to Committee on Civil Jurisprudence.

H. B. No. 444, to Committee on Towns and City Corporations.

H. B. No. 459, to Committee on Insurance.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Harris submitted the following report:

Austin, Texas,
April 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred Senate Bill 391 have had same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute do pass and be mimeographed.

HARRIS, Chairman.

C. S. S. B. No. 391 was read first time.

Senator Jones submitted the following report:

Austin, Texas,
April 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 679, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be mimeographed.

JONES, Chairman.

Senator Proffer submitted the following reports:

Austin, Texas,
April 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 675, have had same under consideration, and I am instructed to re-

port it back to the Senate with the recommendations that it do pass.

PROFFER, Chairman.

Austin, Texas,
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 450, have had same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be printed.

PROFFER, Chairman.

Senator Corbin submitted the following report:

Austin, Texas,
April 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 476, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CORBIN, Chairman.

Senator Taylor submitted the following report:

Austin, Texas,
April 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 579, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

TAYLOR, Chairman.

Senate Resolution 121

Senator Phillips offered the following resolution:

Whereas, Eric Bohemon, new Ambassador from Sweden, is a visitor in the Capitol on a tour of the United States; now, be it

Resolved, That the Senate extend greetings and privileges of the floor and that this distinguished gentleman be invited to address the Senate.

The resolution was read and was adopted.

Accordingly, the President pro tempore announced the appointment of

Senators Phillips, Bell and Bracewell as a committee to escort Mr. Bohemon to the President's stand.

The President pro tempore introduced Mr. Bohemon to the Senate.

Mr. Bohemon then addressed the Senate.

Senate Resolution 122

Senator Bracewell offered the following resolution:

Whereas, We have with us today, Maribelle Stewart Mills, a former Senator from Harris County; and

Whereas, It is a pleasure to have her in our midst; now, therefore, be it Resolved, That she be accorded the privileges of the floor for the day and invited to address the Senate.

The resolution was read and was adopted.

Accordingly, the President pro tempore appointed Senators Bracewell, Morris and Weinert as a committee to escort Senator Mills to the President's stand.

The President pro tempore then presented Senator Mills, who addressed the Senate briefly.

Senate Joint Resolution 1 on Passage to Engrossment

The Senate resumed consideration of pending business, same being S. J. R. No. 1 on passage to engrossment.

Question—Shall the resolution be passed to engrossment?

Senator Kelley of Hidalgo offered the following amendment to the resolution:

Amend S. J. R. No. 1 by striking out the words and figures 27th of August, 1949, and substituting in lieu thereof: 24th day of September, 1949.

The amendment was adopted.

Senator Lane offered the following amendment to the resolution:

Amend Senate Joint Resolution No. 1 by striking out all below the resolving clause and substituting in lieu thereof the following:

Section 1. That Section 2 of Article VI of the Constitution be amended to hereafter read as follows:

"Every person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one (21) years and who shall be a citizen of the United States and who shall have resided in this State one year next preceding an election and the last six months within the district or county in which such person offers to vote, shall be deemed a qualified elector; and provided that the Legislature shall provide for an annual registration system for electors, which such electors shall have registered as electors before the first day of February next preceding such election, and shall require a registration fee of not less than \$1.50 to be apportioned and divided as the poll tax is now apportioned and divided. The husband may register for his wife; in like manner the wife may register for her husband. The Legislature shall pass general registration laws, not inconsistent herewith. The Legislature may authorize absentee voting."

Sec. 2. That Section 3 of Article VII of the Constitution be amended to hereafter read as follows:

"One-fourth of the revenue derived from the State Occupation taxes shall be set apart annually for the benefit of the public free schools; and in addition thereto, there shall be levied and collected an annual ad valorem State tax of such an amount not to exceed thirty-five cents on the One Hundred (\$100.00) Dollars valuation, as with the available school fund arising from all other sources, will be sufficient to maintain and support the public schools of this State for a period of not less than six months in each year, and it shall be the duty of the State Board of Education to set aside a sufficient amount out of the said tax to provide free textbooks for the use of children attending the public free schools of this State; provided, however, that should the limit of taxation herein named be insufficient the deficit may be met by appropriation from the general funds of the State and the Legislature may also provide for the formation of school districts by general laws; and all such school districts may embrace parts of two or more counties, and the Legislature shall be authorized to pass laws for the assessment and collection of taxes in all said districts and for the management and control of the public school or schools of such districts, whether such districts are composed of territory wholly within

a county or in parts of two or more counties, and the Legislature may authorize an additional ad valorem tax to be levied and collected within all school districts heretofore formed or hereafter formed, for the further maintenance of public free schools, and for the erection and equipment of school buildings therein; provided that a majority of the qualified property tax paying voters of the district voting at an election to be held for that purpose, shall vote such tax not to exceed in any one year One (\$1.00) Dollar on the One Hundred Dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of school district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts, nor to independent or common school districts created by general or special law."

Sec. 3. That Section 1 of Article VIII of the Constitution be amended to hereafter read as follows:

"Taxation shall be equal and uniform. All property in this State, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value which shall be ascertained as may be provided by law. The Legislature may impose occupation taxes, both upon natural persons and upon corporations, other than municipal, doing any business in this State. It may also tax incomes of both natural persons and corporations other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax; provided, that Two Hundred and Fifty Dollars worth of household and kitchen furniture, belonging to each family in this State, shall be exempt from taxation, and provided further that the occupation tax levied by any county, city or town for any year on persons or corporations pursuing any profession or business, shall not exceed one-half of the tax levied by the State for the same period on such profession or business."

Sec. 4. That Section 2a of Article VI, added by an amendment adopted at an election held on August 25, 1945, is hereby repealed and removed from the Constitution.

Sec. 5. The foregoing Constitutional amendment shall be submitted to the vote of the qualified electors of the State of Texas at an election to be held on September 24, 1949, at

which election all ballots shall have printed thereon the following:

"FOR the amendment to abolish the state poll tax in Texas and to require a registration system for voting."

"AGAINST the amendment to abolish the state poll tax in Texas and to require a registration system for voting."

Sec. 6. The Governor of this State is hereby directed to issue the necessary proclamation for said election and to have same published as required by the Constitution for amendments thereto.

Sec. 7. The sum of Ten Thousand (\$10,000.00) Dollars, or as much thereof as may be necessary, is hereby appropriated out of any funds in the treasury of the State not otherwise appropriated, to pay the expense of said publication and election.

Senator Bell called for a second full reading of the amendment.

The President pro tempore announced that there was objection and that the Senate would determine whether or not the amendment would be read in full a second time.

The Senate refused to order a full reading of the amendment by the following vote:

Yeas—7

Aikin	McDonald
Bell	Moore
Hardeman	Proffer
Lane	

Nays—14

Bracewell	Martin
Carney	Moffett
Corbin	Morris
Cousins	Strauss
Hazlewood	Tynan
Kelley of Hidalgo	Vick
Lock	Weinert

Absent

Ashley	Jones
Bullock	Phillips
Colson	Shofner
Harris	Taylor
Hudson	

Absent—Excused

Kelly of Tarrant

Motion to Adjourn

Senator Aikin moved that the Senate adjourn until 10:00 o'clock tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—7

Aikin	Martin
Bell	McDonald
Hardeman	Moore
Lane	

Nays—17

Bracewell	Moffett
Carney	Morris
Colson	Proffer
Corbin	Strauss
Cousins	Taylor
Harris	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Lock	

Absent

Ashley	Hudson
Bullock	Phillips
Hazlewood	Shofner

Absent—Excused

Kelly of Tarrant

Motion to Adjourn

Pending further discussion of the amendment by Senator Lane, Senator Aikin moved that the Senate adjourn until 10:00 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—6

Aikin	Lane
Bell	McDonald
Hardeman	Moore

Nays—22

Bracewell	Lock
Bullock	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent

Ashley Martin

Absent—Excused

Kelly of Tarrant

Pending further consideration of the amendment by Senator Lane, Senator Hudson occupied the chair temporarily.

(President pro tempore in the Chair.)

Question—Shall the amendment be adopted?

Senator Kelley of Hidalgo moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—21

Aikin	Lock
Bell	Martin
Bracewell	Moffett
Carney	Moore
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Vick
Kelley of Hidalgo	

Nays—2

Lane McDonald

Absent

Ashley	Tynan
Hardeman	Weinert
Jones	

Absent—Excused

Kelly of Tarrant

Paired

Senator Bullock (present), who would vote yea with Senator Morris (absent), who would vote nay.

Senator Bracewell offered the following amendment to the resolution:

Amend S. J. R. No. 1, by adding a new section between Section 1 and 2 to be known as "Section 1a" and to provide as follows:

"Section 1a. In addition to the other qualifications prescribed by law, an elector at an election to issue bonds or otherwise lend the credit of the State or any political subdivision

thereof shall have paid his poll tax as a prerequisite for voting."

Senator Kelley of Hidalgo moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—14

Bell	Jones
Bullock	Kelley of Hidalgo
Colson	Moore
Corbin	Phillips
Harris	Strauss
Hazlewood	Tynan
Hudson	Vick

Nays—13

Aikin	McDonald
Bracewell	Moffett
Carney	Proffer
Cousins	Shofner
Lane	Taylor
Lock	Weinert
Martin	

Absent

Ashley	Morris
Hardeman	

Absent—Excused

Kelly of Tarrant

Senator Lane offered the following amendment to the resolution:

Amend Senate Joint Resolution No. 1 by striking out all below the resolving clause and substituting in lieu thereof the following:

Section 1. That Section 2 of Article VI of the Constitution be amended to hereafter read as follows:

"Every person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one (21) years and who shall be a citizen of the United States and who shall have resided in this State one year next preceding an election and the last six months within the district or county in which such person offers to vote, shall be deemed a qualified elector; and provided that the Legislature shall provide for an annual registration system for electors, which such electors shall have registered as electors before the first day of February next preceding such election, and shall require a registration fee to pay for costs of registration. The husband may register for his wife; in like manner the wife may register for her

husband. The Legislature shall pass general registration laws, not inconsistent herewith. The Legislature may authorize absentee voting."

Sec. 2. That Section 3 of Article VII of the Constitution be amended to hereafter read as follows:

"One-fourth of the revenue derived from the State occupation taxes shall be set apart annually for the benefit of the public free schools; and in addition thereto, there shall be levied and collected an annual ad valorem State tax of such an amount not to exceed thirty-five cents on the One Hundred (\$100.00) Dollars valuation, as with the available school fund arising from all other sources, will be sufficient to maintain and support the public schools of this State for a period of not less than six months in each year, and it shall be the duty of the State Board of Education to set aside a sufficient amount out of the said tax to provide free textbooks for the use of children attending the public free schools of this State; provided, however, that should the limit of taxation herein named be insufficient the deficit may be met by appropriation from the general funds of the State and the Legislature may also provide for the formation of school districts by general laws; and all such school districts may embrace parts of two or more counties, and the Legislature shall be authorized to pass laws for the assessment and collection of taxes in all said districts and for the management and control of the public school or schools of such districts, whether such districts are composed of territory wholly within a county or in parts of two or more counties, and the Legislature may authorize an additional ad valorem tax to be levied and collected within all school districts heretofore formed or hereafter formed, for the further maintenance of public free schools, and for the erection and equipment of school buildings therein; provided that a majority of the qualified property tax paying voters of the district voting at any election to be held for that purpose, shall vote such tax not to exceed in any one year One (\$1.00) Dollar on the One Hundred Dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of school district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts, nor to independent

or common school districts created by general or special law."

Sec. 3. That Section 1 of Article VIII of the Constitution be amended to hereafter read as follows:

"Taxation shall be equal and uniform. All property in this State, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law. The Legislature may impose occupation taxes, both upon natural persons and upon corporations, other than municipal, doing any business in this State. It may also tax incomes of both natural persons and corporations other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax; provided, that Two Hundred and Fifty Dollars worth of household and kitchen furniture, belonging to each family in this State, shall be exempt from taxation, and provided further that the occupation tax levied by any county, city or town for any year on persons or corporations pursuing any profession or business, shall not exceed one-half of the tax levied by the State for the same period on such profession or business."

Sec. 4. That Section 2a of Article VI, added by an amendment adopted at an election held on August 25, 1945, is hereby repealed and removed from the Constitution.

Sec. 5. The foregoing Constitutional amendment shall be submitted to the vote of the qualified electors of the State of Texas at an election to be held on September 24, 1949, at which election all ballots shall have printed thereon the following:

"FOR the amendment to abolish the state poll tax in Texas and to require a registration system for voting."

"AGAINST the amendment to abolish the state poll tax in Texas and to require a registration system for voting."

Sec. 6. The Governor of this State is hereby directed to issue the necessary proclamation for said election and to have same published as required by the Constitution for amendments thereto.

Sec. 7. The sum of Ten Thousand (\$10,000.00) Dollars, or as much thereof as may be necessary, is hereby appropriated out of any funds in the

treasury of the State not otherwise appropriated, to pay the expenses of said publication and election.

Senator Kelley of Hidalgo raised the point of order against the amendment on the ground that it is substantially the same as an amendment previously offered by Senator Lane.

The President pro tempore overruled the point of order.

Motion to Adjourn

Senator Bell moved that the Senate adjourn until 10:00 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—4

Aikin	Lane
Bell	McDonald

Nays—22

Bracewell	Lock
Bullock	Martin
Carney	Moffett
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent

Ashley	Moore
Hardeman	Morris

Absent—Excused

Kelly of Tarrant

Senator Bell called for a second reading of the amendment in full.

The President pro tempore announced that there was objection and that the Senate would determine whether or not the amendment would be read in full a second time.

The Senate refused to order a full reading of the amendment by the following vote:

Yeas—3

Aikin	McDonald
Bell	

Nays—20

Bracewell	Martin
Bullock	Moffett
Carney	Phillips
Colson	Proffer
Corbin	Shofner
Cousins	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Lock	Weinert

Absent

Ashley	Lane
Hardeman	Moore
Harris	Morris
Hazlewood	

Absent—Excused

Kelly of Tarrant

Senator Kelley of Hidalgo then raised a point of order against the amendment by Senator Lane on the ground that it is not germane to the resolution.

The President pro tempore overruled the point of order.

Motion to Adjourn

Senator Hardeman moved that the Senate adjourn until 10:00 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—5

Aikin	Lane
Bell	McDonald
Hardeman	

Nays—19

Bullock	Moffett
Carney	Phillips
Colson	Proffer
Corbin	Shofner
Cousins	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Lock	Weinert
Martin	

Absent

Ashley	Kelley of Hidalgo
Bracewell	Moore
Hazlewood	Morris

Absent—Excused

Kelly of Tarrant

Senator Bell then called for a second reading of the amendment.

Senator Kelley of Hidalgo raised a point of order that the Senate had refused to permit a second full reading of the amendment by a previous vote.

The President pro tempore sustained the point of order.

(Senator Harris in the Chair.)

Pending further discussion of the amendment by Senator Lane, Senator Bell again called for a second full reading of the amendment.

Senator Kelley of Hidalgo objected to another full reading of the amendment and raised the point of order that the Senate had previously refused to permit a second full reading of the amendment.

The presiding officer (Senator Harris in the Chair) sustained the point of order.

Pending discussion of the amendment Senator Proffer occupied the Chair temporarily.

(President pro tempore in the Chair.)

Question—Shall the amendment be adopted?

Senator Kelley of Hidalgo moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—22

Aikin	Kelley of Hidalgo
Bell	Lock
Bracewell	Martin
Carney	Moffett
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick

Nays—4

Hardeman	McDonald
Lane	Weinert

Absent

Ashley	Moore
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Absent—Excused

Kelly of Tarrant

Paired

Senator Bullock (present), who would vote yea, with Senator Morris (absent), who would vote nay.

S. J. R. No. 1 was then passed to engrossment.

Senate Joint Resolution 1
on Third Reading

Senator Kelley of Hidalgo moved to suspend the Senate Rule requiring Joint Resolutions to be read on three several days and that S. J. R. No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Kelley of Hidalgo
Bell	Lock
Bracewell	Martin
Bullock	Moffett
Carney	Phillips
Colson	Proffer
Corbin	Shofner
Cousins	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert

Nays—3

Hardeman	McDonald
Lane	

Absent

Ashley	Morris
Moore	

Absent—Excused

Kelly of Tarrant

The President pro tempore then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—24

Aikin	Hazlewood
Bell	Hudson
Bracewell	Jones
Carney	Kelley of Hidalgo
Colson	Lock
Corbin	Martin
Cousins	McDonald
Hardeman	Moffett
Harris	Phillips

Proffer	Taylor
Shofner	Tynan
Strauss	Vick

Nays—2

Lane	Weinert
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Absent

Ashley	Moore
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Absent—Excused

Kelly of Tarrant

Paired

Senator Bullock (present), who would vote yea, with Senator Morris (absent), who would vote nay.

(Senator Weinert in the Chair.)

Motion to Adjourn

Senator Harris moved that the Senate adjourn until 10:00 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—8

Aikin	Hazlewood
Bell	Lane
Hardeman	Martin
Harris	McDonald

Nays—19

Bracewell	Lock
Bullock	Moffett
Carney	Phillips
Colson	Proffer
Corbin	Shofner
Cousins	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Weinert

Absent

Ashley	Morris
Moore	Vick

Absent—Excused

Kelly of Tarrant

Senate Resolution 123

Senator Hazlewood offered the following resolution:

Whereas, John McCarty, prominent newspaper publisher, author and his-

torian, is present in the Capitol observing the proceedings of the Senate; now, therefore, be it

Resolved, That the Senate extend said John McCarty a cordial welcome, and that he be granted privileges of the floor for the night of April 18th, and, or the early morning of April 19th.

The resolution was read and was adopted.

**Committee Substitute
Senate Bill 41 on Second Reading**

The presiding officer laid before the Senate as a special order for this hour on its second reading and passage to engrossment:

S. B. No. 41, A bill to be entitled "An Act amending Article 4725, as amended, and declaring an emergency."

The bill was read second time.

Senator Vick offered the following amendment to the bill:

Amend Senate Bill 41 by inserting after subsection 5 in Section 1 thereof two new subsections to be known as 6 and 7, to provide as follows:

6. It may invest any of its funds and accumulations in the debentures of any solvent public utility corporation which has not defaulted in the payment of any debt within five years next preceding such investment, or of any solvent public utility corporation which has not been in existence for five consecutive years next preceding such investment provided such corporation has succeeded to the business and assets and has assumed the liabilities of another such corporation, and which public utility corporation and the public utility corporation so succeeded have not defaulted in the payment of any debt within five years next preceding such investment; provided further, that such public utility corporation shall not have failed in any one of the five years next preceding such investment to have earned, after taxes, including income taxes, and after deducting proper charges for replacements, depreciation and obsolescence, a sum applicable to interest on its outstanding indebtedness equal at least to three times the amount of interest due for that year, or, where, in the case of issuance of new debentures, such earnings applicable to interest are equal to at least three times the amount

of annual interest on such public utility corporation's obligations after giving effect to such new financing; or, in the case of a public utility corporation which has not been in existence for five consecutive years next preceding such investment but has succeeded to the business and assets and has assumed the liabilities of another such corporation, and which public utility corporation and the public utility corporation so succeeded have not failed in any one of the five years next preceding such investment to have earned, after taxes, including income taxes, and after deducting proper charges for replacements, depreciation and obsolescence, a sum applicable to interest on the outstanding indebtedness equal at least to three times the amount of interest due for that year, or where in the case of issuance of new debentures such earnings applicable to interest are equal to at least three times the amount of annual interest on such public utility corporations' obligations after giving effect to such new financing; but in no event shall the amount of such investment in debentures under this subdivision exceed five per cent of the admitted assets of the insurance company making the investment.

7. It may invest any of its funds and accumulations in the preferred stock of any solvent public utility corporation which has not defaulted in the payment of any debt within five years next preceding such investment, or of any solvent public utility corporation which has not been in existence for five consecutive years next preceding such investment provided such corporation has succeeded to the business and assets and has assumed the liabilities of another such corporation, and which public utility corporation and the public utility corporation so succeeded have not defaulted in the payment of any debt within five years next preceding such investment; provided further that such public utility corporation shall not have failed in any one of the five years next preceding such investment to have earned a sum applicable to the dividends on such preferred stock equal at least to three times the amount of dividends due in that year, or, in the case of issuance of new preferred stock, such earnings applicable to dividends are equal at least to three times the amount of the annual dividend requirements after giving

effect to such new financing, and where the bonds and debentures are eligible investments for such insurance company; or, in the case of a public utility corporation which has not been in existence for five consecutive years next preceding such investment, but has succeeded to the business and assets and has assumed the liabilities of another such corporation, and which public utility corporation and the public utility corporation so succeeded have not failed in any one of the five years next preceding such investment to have earned a sum applicable to the dividends on such preferred stock equal at least to three times the amount of dividends due in that year, or, in the case of issuance of new preferred stock, such earnings applicable to dividends are equal at least to three times the amount of the annual dividend requirements after giving effect to such new financing, and where the bonds and debentures are eligible investments for such insurance company; provided that any preferred stock so purchased shall be of an issue which is entitled to first claim upon the net earnings of such public utility corporation after deducting such sum as may be necessary to service any outstanding bonds and debentures but in no event shall the amount of such investment in preferred stock under this subdivision exceed five per cent of the admitted assets of the insurance company making the investment.

Senator Martin moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—20

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Lock	Weinert

Nays—7

Bullock	Kelley of Hidalgo
Carney	Lane
Hardeman	Vick
Jones	

Absent

Ashley Morris
Moore

Absent—Excused

Kelly of Tarrant

Senator Taylor offered the following amendment to the bill:

Amend Committee Substitute for S. B. No. 41 by striking out all of lines 35 through 64 on page 2 and all of lines 1 through 11 on page 3 of the printed copy.

Pending consideration of the amendment, Senator Bell moved that the Senate adjourn until 10:00 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—9

Aikin Martin
Bell McDonald
Hardeman Phillips
Harris Vick
Lane

Nays—16

Bracewell Lock
Bullock Moffett
Carney Proffer
Colson Shofner
Cousins Strauss
Hazlewood Taylor
Hudson Tynan
Kelley of Hidalgo Weinert

Absent

Ashley Moore
Corbin Morris
Jones

Absent—Excused

Kelly of Tarrant

(President pro tempore in the Chair)

Senator Jones moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—15

Bullock Hudson
Carney Jones
Colson Kelley of Hidalgo
Hazlewood Lock

Martin Proffer
McDonald Tynan
Moffett Vick
Phillips

Nays—11

Aikin Harris
Bell Lane
Bracewell Shofner
Corbin Taylor
Cousins Weinert
Hardeman

Absent

Ashley Morris
Moore Strauss

Absent—Excused

Kelly of Tarrant

C. S. S. B. No. 41 was then passed to engrossment.

Motion to Place
Committee Substitute
Senate Bill 41 on Third Reading

Senator Jones moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 41 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary vote of four-fifths of the members present):

Yeas—20

Bullock Lane
Carney Lock
Colson Martin
Corbin McDonald
Cousins Moffett
Harris Phillips
Hazlewood Proffer
Hudson Tynan
Jones Vick
Kelley of Hidalgo Weinert

Nays—6

Aikin Hardeman
Bell Shofner
Bracewell Taylor

Absent

Ashley Morris
Moore Strauss

Absent—Excused

Kelly of Tarrant

Recess

Senator Moffett moved that the Senate recess until 10:00 o'clock a.m. tomorrow.

Senator Hazlewood moved that the Senate adjourn until 10:00 o'clock a.m. tomorrow.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—18

Bracewell	Lock
Bullock	Moffett
Carney	Phillips
Colson	Proffer
Corbin	Shofner
Cousins	Strauss
Harris	Taylor
Hudson	Tynan
Kelley of Hidalgo	Weinert

Nays—9

Aikin	Lane
Bell	Martin
Hardeman	McDonald
Hazlewood	Vick
Jones	

Absent

Ashley	Morris
Moore	

Absent—Excused

Kelly of Tarrant

Question then recurring on the motion of Senator Moffett, it prevailed.

The Senate, accordingly, at 9:40 o'clock p.m., took recess until 10:00 o'clock a.m. tomorrow.

FORTY-SIXTH DAY

(Continued)

(Tuesday, April 19, 1949)

After Recess

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

Senate Bill 451 on First Reading

Senator Bullock moved that Senate Rule 114 and Section 5 of Article

III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Phillips
Cousins	Shofner
Hardeman	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Bracewell	Morris
Harris	Proffer
Hudson	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Bullock:

S. B. No. 451, A bill to be entitled "An Act creating a conservation district under Article XVI, Section 59, of the Constitution comprising the territory contained within and adjacent to the City of Eastland in Eastland County, Texas, for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing and transporting the same; providing for the annexation of additional territory thereto; providing for a board of directors for the government of said district; authorizing the district to do all things necessary to make available for municipal and industrial uses, the water from streams within and without the district, water from underground sources, and water it may obtain by purchase, lease and operation contracts with cities, persons, firms, corporations and public agencies; authorizing the issuance of bonds and providing for the payment and security thereof; making applicable to the district Title 52 relating to eminent domain and certain general laws relating to water control and improvement districts; prescribing the other powers of the district; enacting other provisions relating to this subject; and declaring an emergency.